

In the Application of:  
Steffen SONNENBERG et al.  
Serial No.: 10/565,241

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**REMARKS**

Claims 1, 7, and 9-18 are amended and claims 3 and 8 are cancelled. No new matter is being presented.

**Rejection of Claims 7-8 under 35 U.S.C. § 112**

Claims 7-8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, claims 7-8 are amended and now particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

**Rejection of Claims 1-2 under 35 U.S.C. § 102**

Claims 1-2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Asada et al. Asada et al. is cited for allegedly disclosing a composition having more than 50% of a cis-3,3,5-trimethylcyclohexylester and preferably a ratio of 75/25 (cis/trans), the ratio for greater property stability.

With respect to Asada et al., such specifically discloses acrylic acid esters. As amended claim 1 now clarifies, such are restricted to esters that do not include acrylic acid esters. As such, Asada et al. fails to disclose each and every element as now recited in claim 1. Furthermore, Asada et al. fails to disclose esters aside from the acrylic acid esters and therefore can not make obvious the claimed invention. Claim 2 is dependent from independent claim 1 and is believed to further define the invention claimed therein. Thus, Applicants request the withdrawal of the rejections of claims 1 and 2.

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**Rejection of Claims 1-3, 5-6, 10 and 19-23 under 35 U.S.C. § 103**

Claims 1-3, 5-6, 10 and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rhode et al. (hereinafter “Rhode”). Rhode is cited for allegedly disclosing compounds that, when specific R groups are selected, 3,3,5-trimethylhexyl propionate is “envisioned.”

With respect to Rhode, such discloses compounds that are useful as odor neutralizers (see Abstract). In fact, Rhode specifically discloses that the esters only have slight odor (see page 8, lines 29-31 and page 6, line 18 to page 7, line 15). Thus, Rhode teaches away from the claimed invention of fragrances and Applicants request withdrawal of the rejections of claims 1-3, 5-6, 10 and 19-23.

**Rejection of Claims 1-3, 5-6, 10 and 19-23 under 35 U.S.C. § 103**

Claims 1-3, 5-6, 10 and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burrell et al. (hereinafter “Burrell”). Burrell is cited for allegedly disclosing a preserving effect and “effective chemical” to provide fresher odors.

With respect to Burrell, such fails to disclose or suggest the esters as having an odor. In fact, the “effective chemical” as referred to by the Examiner or the “effective ingredients” by Burrell is actually an antibacterial effect. Thus, Burrell fails to disclose or suggest the compounds as now presented in the amended claims as fragrance substances. Thus, Applicants request withdrawal of the rejections of claims 1-3, 5-6, 10 and 19-23.

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**Rejection of Claims 4, 7-9, 11-14, 17-18 under 35 U.S.C. § 103**

Claims 4, 7-9, 11-14, 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rhode in view of Burrell. However, for the reasons detailed above, Rhode discloses an odor neutralizer and Burrell an antibacterial effect and not a substance that prevents fragrance degradation and thus a fragrance to be fresher as alleged by the Examiner. Additionally, for the reasons detailed above, the combination of Rhode and Burrell are deficient in their disclosures and fail to make obvious Applicants' claims. Thus, Applicants request withdrawal of the rejection of claims 4, 7-9, 11-14, and 17-18.

**Rejection of Claims 1-3, 9, 11-16, 17-18 under 35 U.S.C. § 103**

Claims 1-3, 9, 11-16, 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morelli et al. (hereinafter "Morelli"). Morelli is cited for allegedly disclosing pre-accords that release chemicals specified in a genus, that includes 3,3,5-trimethylcyclohexyl butyrate.


With respect to Morelli, such fails to disclose or suggest the claimed cis-esters in combination with the claimed trans-esters. In fact, none of Rhode, Burrell or Morelli specifically discloses such. The Examiner has conveniently passed over such with statements such as "[the references] do not require either cis or trans variations..." (see, for example Action, pg. 8). Moreover, none of the references disclose or suggest the cis-isomers being superior fragrances compared to the trans-isomers. The trans-isomers are of low olfactory value, but, Applicants have unexpectedly found that the mixture with cis-isomers results in superior fragrances.

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Prompt and favorable examination on the merits is requested.

For the Applicants,

A handwritten signature in dark ink, appearing to read 'Rajiv S. Shah', is written over a horizontal line.

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